

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CONNIE THIEBAUD,
Successor Executrix of the Estate of
Arthur E. Neilson

Plaintiff,

14-CV-1093A(Sr)

v.

ONE BEACON INSURANCE COMPANY;

RESOLUTE MANAGEMENT, INC.
Administrator for One Beacon America
Insurance Company;

SEATON INSURANCE COMPANY,
Individually and as Successor to Unigard
Insurance Company;

CONTINENTAL INSURANCE COMPANY
Individually and as Successor in Interest to
Harbor Insurance Company (CNA);

HARPER INSURANCE LIMITED;

and

ASSICURAZIONI GENERALI, SPA,

Defendants.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr.
pursuant to 28 U.S.C. § 636(b)(1) for the performance of pretrial proceedings.

On February 21, 2025, Magistrate Judge Schroeder issued a Report,
Recommendation and Order ("RR&O") (Dkt. No. 168) recommending that plaintiff
Thiebaud's motion (Dkt. No. 118) for leave to settle her claims against defendants
Harper and Generali for \$40,600 and for dismissal of such claims with prejudice be

granted. Magistrate Judge Schroeder further recommended that Plaintiff's (Dkt. No. 123) motion to dismiss defendant Seaton Insurance Company with prejudice be granted.

Federal Rule of Civil Procedure 72(b)(3) provides, "[t]he district judge must determine de novo any part of the magistrate judge's disposition *that has been properly objected to*" (emphasis added). Here, no objections to the RR&O have been filed. "When no timely objection is filed, the [C]ourt need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." 1983 Advisory Committee Note to Fed. R. Civ. P. 72(b); *see Patton v. Ford Motor Co.*, 14-CV-0308-RJA-HBS, 2017 WL 2177621, 2017 U.S. Dist. LEXIS 76148, *5 (W.D.N.Y. May 18, 2017) (same).

The Court finds no clear error with respect to Magistrate Judge Schroeder's RR&O, and therefore, it is hereby

ORDERED that pursuant to 28 U.S.C. § 636(b)(1) and for the reasons set forth in the RR&O, that plaintiff Thiebaud's motion (Dkt. No. 118) for leave to settle her claims against defendants Harper and Generali for \$40,600 and to dismiss such claims with prejudice is granted, and it is further

ORDERED that Plaintiff's (Dkt. No. 123) motion to dismiss defendant Seaton Insurance Company with prejudice is granted.

IT IS SO ORDERED.

S/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: April 8, 2025
Buffalo, New York